

Agilent Technologies

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Atty Docket 10010361-1

JUL 09 2004

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Steven Swenson, et al

Examiner: Khiem Nguyen

Serial No: 09/811,310

Group Art Unit: 2839

Attorney Docket: 10010361-1

Filed: March 16, 2001

Title: Cable Storage Device Providing Continuous Adjustability With Controlled Bend Radius

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
Alexandria, VA
FAX: (703) 308-6916

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OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

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Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)

1. Agilent Technologies received a Notice of Abandonment ("Notice") from the Patent and Trademark Office, mailed 15 June 2004. The Notice states that the above-named application was abandoned because we failed to reply to an Office Action mailed 21 April 2003. This Office Action was a restriction requirement. However, we believe that the Notice is improper and hereby petition the Director to withdraw the holding of abandonment. Statements 2 through 4 are made in conformance with 37 CFR 1.8(b):
2. Our records show that we transmitted via facsimile a proper and timely response ("Response") to the Office Action on 8 May 2003.
3. A copy of the previously transmitted Response (Exhibit A) and USPTO certificate of transmittal (Exhibit B) has been supplied with this statement.
4. A declaration from Katherine Lopez Diangson is also attached (Exhibit C), stating that the Response described above was timely transmitted via facsimile on 8 May 2003. A copy of our fax machine's report verifying transmittal of the Response has been included as well (Exhibit D).



5. This petition ("Petition to Withdraw") accompanies another petition to revive the application for unintentional abandonment under 37 CFR 1.137(b) ("Petition to Revive"). The Petition to Revive includes the petition fee required under 37 CFR 1.17(m). If this Petition to Withdraw is granted, Agilent requests that the fee for the Petition to Revive be refunded to our account.
6. I further declare that all of the statements made herein are of my own knowledge arising from my investigation and involvement with this matter, are true, and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

Respectfully submitted,

Dated: 6/29/04

Judy Liao Shie

Judy Liao Shie

Patent Reg. No. 50,305

Attachments: Exhibits A, B, C & D

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10010361-1

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JUL 09 2004

OFFICE OF PETITIONS

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Steven Swenson

Serial No.: 09/811,310

Examiner: Khiem Nguyen

Filing Date: March 16, 2001

Group Art Unit: 2839

Title: Cable Storage Device Providing Continuous Adjustability with Controlled Bend Radius

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b)

Sir:

1. Applicant petitions that the abandonment set forth in the notice mailed by the office on June 15, 2004 be withdrawn.
 2. Submitted herewith is:
 - () A copy of the page of the response mailed on _____ showing a Certificate of Mailing executed on _____.
 - () A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated _____.
 - () A copy of the complete response previously filed.
 - () A copy of the attorney's Deposit Account Statement in which the item corresponding to the response referred to above is checked.
 3. Please proceed with further examination of this application on the basis of:
 - () The original papers filed, which have now reached the appropriate area of the PTO, and/or
 - () The attached copy of the papers originally filed.
- (X) Please charge the required fee set forth in 37 CFR 1.17(m) of \$1300.00 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

- (X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 7-2-04 or

- () I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: 7-2-04 am

Typed Name: Ann Marie Radcliffe

Signature: Ann Marie Radcliffe

Respectfully submitted,

Steven Swenson

By Judy Liao Shie

Judy Liao Shie

Attorney/Agent for Applicant(s)

Reg. No. 50,305

Date: 7/2/04

Telephone No.: (408) 345-8920



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

10010361-1

First named inventor: Steven Swenson

Application No.: 09/811,310

Art Unit: 2839

Filed: March 16, 2001

Examiner: Khiem Nguyen

Title: Cable Storage Device Providing Continuous Adjustability With Controlled Bend Radius

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1300 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of an election of claims (see Exhibit A) (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ _____.

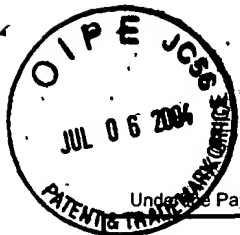
- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

07/08/2004 AWONDAF1 00000049 501078 09811310

01 FC:1453 1330.00 DA

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete,
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS
ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



PTO/SB/64 (08-03)

Approved for use 07/31/2006. OMB 0651-0041

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

June 29, 2004

Date


Signature

Telephone

Number: 408-345-8920

Judy Liao Shie

Typed or printed name

IPA Legal Dept., MS DL-429 815 SW 14th Street

Address

Loveland, CO 80537

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Petition under 37 CFR 1.181(a) and Exhibits A through D

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

7-2-2004

Date


Signature

Ann Marie Radcliffe

Type or printed name of person signing certificate



AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

Exhibit A

PATENT APPLICATION

ATTORNEY DOCKET NO. 10010361-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Steven Swenson et al

Serial No.: 09/811310

Examiner: Nguyen, Khiem M.

Filing Date: Mar 16, 2001

Group Art Unit: 2839

Title: Cable Storage Device Providing Continuous Adjustability With Controlled Bend Radius

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TECH CENTER 2000

COMMISSIONER FOR PATENTS

PO Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee (Address envelope to "Box Non-Fee Amendments")
() Other: _____ (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	25	MINUS	31	= 0	X \$18	\$ 0
INDEP. CLAIMS	6	MINUS	7	= 0	X \$84	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$280	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$410.00	3RD MONTH \$930.00	4TH MONTH \$1450.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: May 8, 2003

Typed Name: Katherine Lopez Diangson

Signature: Katherine Lopez Diangson

Respectfully submitted,

Steven Swenson et al

By Pamela Lau Kee

Pamela Lau Kee

Attorney/Agent for Applicant(s)

Reg. No. 36,184

Date: May 7, 2003

Telephone No. (408) 553-3059



Exhibit A (cont.)

Attorney Docket # - 10010361-1

(x) I, hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on the date below:

Date of Facsimile: May 8, 2003

Typed Name: Katherine Lopez Diangson

Signature:

Katherine Lopez Diangson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Steven Swenson, et al

Examiner: Nguyen, Khiem M.

Serial No.: 09/811310

Group Art 2839

Filing Date: Mar. 16, 2001

Title: Cable Storage Device Providing Continuous Adjustability With Controlled Bend Radius

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Amendment

Sir:

In an Office Action dated 21 April 2003 having a 30 day shortened statutory period of response, the Examiner has asked the applicants to elect one of the following two groups:

Group I: Claims 1-21 and 28-31, drawn to a cable storage and deployment, Class 385

Group II: Claims 22-27, drawn to a method of making and using a cable storage and deployment, canister, Class 29.

The Applicants elect Group I. Please delete claims 22-27 without prejudice.

Respectfully submitted,

Steven Swenson, et al.


Pamela Lau Kee

Pamela Lau Kee

Patent Reg. No. 36,184

May 7, 2003
Agilent Technologies
Intellectual Properties Administration
Legal Department, M/S DL-429
815 SW 14th Street
Loveland, CO 80537
(408) 553-3059

TO: Auto-reply fax to 408 553 3063 COMPANY:

Exhibit B**Auto-Reply Facsimile Transmission****RECEIVED****AUG 13 2004****TECH CENTER 2800**

**UNITED STATES
PATENT AND
TRADEMARK OFFICE**

TO:

Fax Sender at 408 553 3063

Fax Information

Date Received:

5/8/03 10:45:32 AM [Eastern Daylight Time]

Total Pages:

2 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

MAY 08 2003 7:27 AM FR AGILENT TECHNOLOGIES 53 3063 TO 917038729318 P.01/02

AGILENT TECHNOLOGIES, INC.
Legal Department, DL423
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10010391-1

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Steven Swenson et al

Examiner: Nguyen, Kiem M.

Serial No.: 09/811310

Group Art Unit: 2839

Filing Date: Mar 16, 2001

Title: Cable Storage Device Providing Continuous Adjustability With Controlled Bend Radius

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

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Sir:

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(X) No additional fee (Address envelope to "Box Non-Fee Amendments")
() Other: (fee \$ _____)

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INDEP. CLAIMS	6	MINUS	7	= 0	X \$84	\$ 0
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OTHER FEES						\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: May 8, 2003

Typed Name: Katherine Lopez-Diaz

Signature: 

Respectfully submitted,

Steven Swenson et al

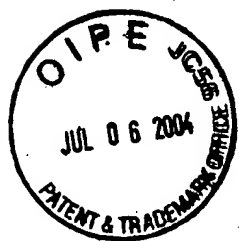
By: 

Pamela Lau Kee

Attorney/Agent for Applicant(s)
Reg. No. 36,184

Date: May 7, 2003

Received from: 408 553 3063 at 5/8/03 10:45:32 AM [Eastern Daylight Time] Page to Transmitted Pages: Telephone No.: (408) 553-3059



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Steven Swenson, et al

Serial No: 09/811,310

Attorney Docket: 10010361-1

Title: Cable Storage Device Providing Continuous Adjustability With Controlled Bend Radius

Examiner: Khiem Nguyen

Group Art Unit: 2839

Filed: March 16, 2001

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TECH CENTER 2800

Attention: Office of Petitions
Commissioner for Patents
Alexandria, VA
FAX: (703) 872-9306

Declaration of Katherine Lopez Diangson Under 37 CFR 1.181(a)

Re: Petition for Withdrawal of Abandonment

Dear Sir:

I, Katherine Lopez Diangson, declare as follows:

1. I am an administrative assistant in the Legal Department at Agilent Technologies, and have been employed in my capacity since approximately April 10, 2000.
2. On 8 May 2003, I faxed a response (Exhibit A) to 703 872 9318. I received an Auto Reply Facsimile Transmission (Exhibit B) from the United States Patent and Trademark Office on 8 May 2003.
3. I declare under penalty of perjury that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under



Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: 4/24/04

Katherine Lopez Diangson

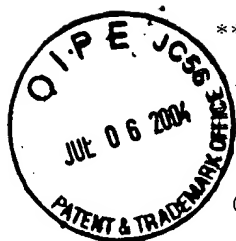
Katherine Lopez Diangson

AGILENT TECHNOLOGIES

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AUG 13 2004

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JOB #366

Exhibit D

DATE TIME
001 5/08 7:26A

TO/FROM MODE MIN/SEC PGS STATUS
917038729318 EC--S 00' 39" 002 OK

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10010361-1

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Serial No.: 09/811310

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() Other: (fee \$)

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Typed Name: Katherine Lopez Diangson

Signature: Katherine Lopez Diangson

Respectfully submitted,

Steven Swenson et al

By Pamela Lau Kee

Pamela Lau Kee

Attorney/Agent for Applicant(s)

Reg. No. 36,184

Date: May 7, 2003